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SERVICE DATE - MAY 2, 2003

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-468 (Sub-No. 5X)

**Paducah & Louisville Railroad, Inc. – Abandonment Exemption –
in McCracken County, KY**

BACKGROUND

In this proceeding, Paducah & Louisville Railway, Inc. (P&L) has filed a petition for exemption under 49 CFR 1152 seeking exemption from the requirements of 49 U.S.C. 10903 for P&L to abandon approximately 5,780 feet of rail line located in the City of Paducah, McCracken County, Kentucky, running from station number 17+55 (near Caldwell Street in Paducah) to station number 64+00 (near 6th Street in Paducah), extending on each side of railroad milepost 1. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, P&L will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to P&L, the line was constructed in 1871 by the Elizabethtown and Paducah Railroad as one segment of a rail line that eventually connected the railroad's namesake cities. After several foreclosures, the line was merged into the Illinois Central Railroad in 1951. On August 27, 1986, the Illinois Central Gulf Railroad sold the rail line between Paducah and Louisville, Kentucky, to P&L. P&L has held the common carrier obligation on the line since that time.

P&L indicates that the line is constructed of cuts and fills which appear to have been created at the time of construction. Any archeological resources that may have been located on the right-of-way would have been disturbed at that time. The right-of-way traverses a predominantly flat area and ranges in width from 66 to 100 feet. Based on information in P&L's possession, the line does not contain federally granted rights-of-way. P&L's records do not indicate any swampy conditions or hazardous materials spills along the right-of-way. P&L states that there are no railroad structures on the line 50 years old or older that are part of the proposed abandonment. Abandonment of the line will result in the removal of the rail, crossties, other track material, and ballast. Maintenance of the line will cease.

There is currently one shipper on the line, the Franklin Brick Company (Franklin Brick), which has utilized the line only to a limited extent over the past two years. During calendar year 2002, Franklin Brick handled 58 carloads over the line. P&L is not aware of any other industry planning to locate along

the line and there is no overhead traffic. According to P&L, the line is in poor condition and quickly approaching the point that it is unsafe to continue to operate without substantial capital investment for upgrades. Traffic levels on the line do not justify its continued operation and maintenance as such traffic does not even cover the cost of operation, maintenance or rehabilitation.

Boral Bricks Inc. (Boral) has submitted, on April 14, 2003, a reply protesting P&L's petition for exemption. In March, 2003, Boral acquired the assets of Franklin Brick. As a result of the acquisition, Boral now owns and operates the stockyard and warehouse showroom facility formerly owned by Franklin Brick, located at 901 South Sixth Street, Paducah, which is served by the line proposed for abandonment. Boral manufactures, distributes, and sells bricks and other materials for the building and construction industries throughout the United States. Boral states that P&L's proposed abandonment of the line will cause severe economic hardship to their business.

ENVIRONMENTAL REVIEW

P&L submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The applicants served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

P&L states that upon receiving abandonment authority, removal of material will be accomplished by use of the right-of-way for access, along with existing public and private crossings, and no new access roads are contemplated. P&L does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and does not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the line and will not be discarded along the right-of-way nor placed or left in streams or wetlands. Appropriate measures will be implemented during track removal to prevent spills from fuels, lubricants or any other pollutant materials from entering waterways. As traffic over the line will cease, seven grade crossings and associated signs and structures will be eliminated.

The Kentucky Heritage Council (KY SHPO) has not yet completed their assessment of the potential impact of this project on historic resources, and we, therefore, recommend a condition to address this concern.

The National Geodetic Survey has advised us that one geodetic station marker has been identified that may be affected by the proposed abandonment.

The U.S. Department of the Interior, Fish and Wildlife Service, Frankfort, Kentucky Office (US F&W) has advised us that no federally listed or proposed endangered or threatened species occur

within the impact area of the proposed abandonment. Similarly, no critical habitat for any federally listed species has been designated within the vicinity of the proposed abandonment. US F&W has concluded that, based on the information available at this time, the proposed abandonment would have no effect on federally listed endangered or threatened species.

The United States Department of Agriculture, Natural Resources Conservation Service, Lexington, Kentucky Office (NRCS) has completed a review of the proposed abandonment. NRCS has concluded that no prime, unique or other important farmland will be adversely affected by the removal of the rail line.

The application states that a total of 58 carloads were moved on the line during the base year (calendar year 2002). Using a rail-to-truck conversion factor of 4 trucks per carload¹, SEA calculates that on a per day basis, if all the rail traffic is diverted to truck traffic, the abandonment would generate an estimated 232 new trucks per year (464 truck trips assuming an empty backhaul). This equates to approximately 2 trucks per day being added to area roads during a 240 workday year². This increase will not exceed the Board's thresholds of an increase of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment [49 C.F.R. 1105.7(e)].

CONDITIONS

We recommend that the following two environmental conditions be placed on any decision granting abandonment authority:

1. P&L shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.
2. The National Geodetic Survey (NGS) has identified one geodetic station marker that may be affected by the proposed abandonment. Therefore, P&L shall notify NGS 90 days prior to salvage activities in order to plan its relocation.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line will not

¹ The conversion factor is an estimate based on the nature of the commodities transported on the line.

² 240 workdays result when weekends and holidays are subtracted from a 365 day year.

significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Kenneth Blodgett, who prepared this environmental assessment. **Please refer to Docket No. AB-468 (Sub No. 5X) in all correspondence addressed to the Board.** If you have any questions regarding

this environmental assessment, you should contact Kenneth Blodgett, the environmental contact for this case by phone at (202) 565-1554, fax at (202) 565-9000, or e-mail at blodgettk@stb.dot.gov.

Date made available to the public: May 2, 2003.

Comment due date: **June 2, 2003 (30 days).**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

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